

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, November 5, 2019
7:00 P.M.

Chairman Mark Dobbins called the meeting to order at 7:00 P.M. Present included Commissioner Raymond Mitchell and members Judy Duffy and Valerie Combs. Also present were Chris Mink, Town Engineer, Melissa Cook-Mackenzie, Town Administrator, Betsy Vennell, Director of Planning and Zoning and Lisa Rhoades, Planning and Zoning Assistant. Member Michael Nair was absent from the meeting.

-MINUTES-

July 2, 2019

Commissioner Mitchell made a motion to accept the July 2, 2019 Planning Commission minutes as presented. Ms. Combs second the motion and the motion was approved by all. Ms. Duffy abstained as she was not present at the July 2, 2019 meeting.

August 6, 2019

Commissioner Mitchell made a motion to accept the August 6, 2019 Planning Commission minutes as presented. Ms. Combs second the motion and the motion was approved by all.

-OLD BUSINESS-

None.

-PUBLIC HEARING-

Chairman Dobbins opened the Public Hearing at 7:04 P.M.

Request from Owner/Developer WORF, LLC 2301 Rutledge Road, Fallston, Maryland 21047. Subject property is currently zoned "R-4" Mixed Use Residential District with the Master Planned Community Overlay District. Also found on Tax Map 31, Parcel 1355, 235; 971; 1279; 675 on 195.94 acres. Ridgely Forest: Amendment to the previously approved Master Planned Community Floating Zone District (4/2018) Proposed increase of eighteen (18) residential units. Revisions to Master Planned community Guidelines Book. Revisions to Open Space Plan.

Mrs. Cook-Mackenzie read a brief history of the Ridgely Forest Development. In 2007 the property known as Ridgely Forest Development was annexed into the incorporated limit of the Town of North East as a Master Planned Community with a Floating Zone. In 2015, the developer at that time, Clark Turner filed for bankruptcy and the Town of North East called in the Bonds for the infrastructure. In 2017, the infrastructure was completed. An Amendment to the 2008 Master Planned Community was obtained by the new developer in 2018. Currently, Existing Phase One has one remaining lot; Existing Phase Two has received permits for all lots;

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Section One has 5 lots remaining without permits. The Subdivision Plats for Section 2, 3-A and 4 will be signed within the next month.

Town Attorney David Beste swore in the following members of the public that wanted to speak or testify during the hearing.

Mr. Jeff Mathai, engineer for MRA, 3445A Box Hill Corporate Center Drive, Abington, Maryland stated that Mr. O’Laughlin and Mr. Wolf have requested an amendment to the previously approved Ridgely Forest Master Planned Community (MPC). In addition to proposing 18 additional units, the concept plat has been revised from what the Planning Commission originally received. Mr. Mathai explained that four units on Lilac Way have been eliminated and Lilac Way has been removed. The four units have been incorporated onto Magnolia Drive. Pursuant to these changes there is an increase in Open Space for a total of 88.22 acres.

The duplex units proposed for 3B and 5B will be 30’ x 55’ with two car garages on a 35’ x 100’ lot. Mr. O’Laughlin, WORF LLC, 2301 Rutledge Road, Fallston, Maryland stated that after taking a closer look at Sections 3B, these proposed changes are a more efficient use of space and at the same time allows for more open space.

Mr. Mink, CNA, inquired if these changes will impact the wetlands or wetland buffers. Mr. O’Laughlin replied that they are permitted to infringe on the wetland buffer under their current wetland buffer permit; however, they are not permitted to impact the wetlands. Ms. Vennell inquired if the four relocated units are able to meet the setbacks. Mr. O’Laughlin said they have completed a grading study and are able to meet the setback requirements. Mr. Mathai reported that he will submit plans with the four relocated units to Mr. Mink, for review.

Chairman Dobbins inquired if the developers are planning any more changes in the future to the MPC or Subdivision Plan, stating the current residents of Ridgely Forest purchased their homes with certain expectations of how the development would look upon completion and it is not fair to the residents to continue to make changes that directly affect the area around their homes. Mr. O’Laughlin stated he didn’t know if there would be any more changes proposed in the future as projects of this size are constantly evolving and agreed that it is unfortunate for existing homeowners. Mr. Wolf, WORF LLC, 2301 Rutledge Road, Fallston, Maryland added that unless it is a minor revision he doesn’t foresee any more major changes. Chairman Dobbins stated that he hopes this is the last amendment to the MPC. Mr. O’Laughlin replied that he cannot guarantee that.

Vice Mayor Kline and Commissioner Mitchell both submitted comment letters dated November 5, 2019. Mrs. Cook-Mackenzie read Vice Mayor Kline’s comment letter dated November 5, 2019 into the record. Vice Mayor Kline and Commissioner Mitchell offered the following comments:

1. Pocket Parks- require additional Pocket Parks throughout the community.

2. Clubhouse and Pool-the requirement to have the clubhouse and pool opened by the occupancy of a certain number of homes should not be changed. It is recommended that the number remain at 272 homes.
3. Stormwater Management Volume- Verify that CNA or the Cecil county Department of Public Works is satisfied with the calculations regarding the volume of water draining into the stormwater ponds.
4. Open Space- recommend that after this amendment is processed that no more applications be approved if the results would ve a reduction in the Open Space.

Mr. Wolf stated that when they thought about the amendment to the MPC they also considered the Open Space and they were able to gain more Open Space by strategically placing the units. In addition, Mr. Wolf stated that the existing residents were considered during this process, which is the reason for the relocation of the dog park. Mr. O’Laughlin and Mr. Wolf stated they are concerned that if comment number 4 regarding the Open Space as a condition of the approval stating that this type of restriction prohibits them from adding a pocket park or building additional housing. Mr. O’Laughlin reported that they are only required to have 55 acres of Open Space and they have 88.22 acres. Mr. O’Laughlin stated that potentially, they may want to develop or install something in the additional 33.22 acres of Open Space. Mrs. Cook-Mackenzie suggested the Mr. O’Laughlin and Mr. Wolf submit a letter outlining their concerns prior to coming before the Mayor and Commissioners on November 13, 2019.

Mr. Mathai reported that he has responded to Mr. Mink’s comment letter dated October 25, 2019 and has addressed all of the comments. Mrs. Cook-Mackenzie responded that some of the responses stated “Your comment has been noted” and would like clarification on the interpretation of this response. Mr. Mathai replied that “the comments were perceived as advisory comments, and they were not anything that I was required to change” on the plan. The Planning Commission responded that these items will require further discussion.

Mr. Mink inquired if the parking islands in Section 3B and 5B were incorporated into the resubmitted plan being shown this evening. Mr. Mathai concurred. Mr. Mink inquired if the area in Section 3B along Route 7 was calculated as open space. Mr. Mathai replied no. Mrs. Cook-Mackenzie inquired if the wetlands were calculated as open space. Mr. Mathai replied yes, a percentage.

Mrs. Vennell inquired about item #6 regarding passive open space on Mr. Mink’s comment letter. Mr. O’Laughlin responded that “his (Mr. Mathai) response ‘your comment has been noted’ means we agree.” Mr. Wolf added that their understanding of the Open Space is that an Open Space Plan will be submitted with the each Section and the amenities can be discussed in greater detail at that time. Mrs. Vennell replied yes, but typically they are identified in the MPC. Mr. Mathai stated there is not any open space in Section 3B for any additional amenities or pocket parks. Mrs. Vennell clarified that a pocket park does not necessarily mean playground it could be a pergola with benches. Mr. Wolf reported that they were planning to add another tot lot and pavilion with a picnic table in Section 5B. Mr. Wolf stated when the amended MPC is submitted it will contain the addition of recreation areas in the remaining sections. Mrs. Cook-

Mackenzie stated that there seems to be more opportunities for pocket parks and this should be considered prior to submitting future open space plans. Mr. Wolf concurred.

Emergency Access to Courts of Mallory

Mrs. Vennell stated that on page 19 of the MPC Guidelines book, identify when developer needs to install emergency access. Mr. Wolf stated that prior to the first building permit in that Section the emergency access will be completed.

Traffic Signal Analysis

Mr. Mink inquired about the traffic signal warrant analysis and reported that since the requirement of the traffic signal warrant analysis a 4-way stop sign was installed on Route 7, Mechanics Valley Road and Cemetery Road. Mrs. Cook-Mackenzie concurred and reported the 4-way stop does seem to be controlling traffic at this time. Mrs. Cook-Mackenzie reported that she has a meeting with the District Engineer and stated she will give him a letter from the Town regarding the history of the intersection and the current status with the 4-way stop and inquire about the requirement for the study. Mr. O'Laughlin stated, that after Mrs. Cook-Mackenzie's meeting, if the study is required, he will have their engineer contact the District Engineer. Mr. Mink inquired if the State Highway Access permit was completed and Mr. Mathai confirmed that it was.

Ms. Combs inquired what brought about the increase in the number of units and could Mr. Mathai indicate where the additional units will be built. Mr. Mathai stated that Ms. Combs would have to compare the previous plan with the proposed plan to see the new locations of the lots. Mr. O'Laughlin stated that the market will accommodate the additional units and this was a business decision. Mr. O'Laughlin stated that Ryan Homes initially reported that Townhomes were not selling very well and that there was a greater desire for Duplexes. After performing another market analysis it was determined that Pennsylvania and Delaware are currently competing for age targeted communities and in regards to Ridgely Forest, it would be better to target families and first home buyers. Ryan Homes then suggested the 30 foot wide duplex with a two car garage. Mr. O'Laughlin reported that the development of Section 3-B and Section 5-B will not occur for approximately a year and a half.

Comments from the Public:

Ms. Laurie Shamblin, 8 Goldspire Drive, Elkton, Maryland stated she would like the developer to consider installing parking spaces on Goldspire Drive. Mr. Mathai stated that the steep slope is 3 to 1 therefore, they will not propose parking in that location. Mr. O'Laughlin stated that Goldspire Drive is wide enough to support parallel parking. Ms. Shamblin also inquired about the addition of 18 houses and reported that she bought her home in 2009 she was told this was and would remain a forest retention area behind her home. Mr. O'Laughlin stated it is a business decision to add additional units and there is 150 feet between your home and the proposed duplexes with 50 feet of forestation between them. Ms. Shamblin also inquired if the duplexes were going to be senior housing and if not is the school system prepared for the increase in

students. Mrs. Vennell stated that the Town has been in contact with the Board of Education since 2005 regarding this project, and the duplexes are not proposed as senior housing units.

Paul Kurzer, 15 Magnolia Drive, Elkton, Maryland. Mr. Kurzer stated that he is concerned that the forestation area behind his home will be reduced with the proposed changes. Mr. Mathai stated there is approximately 300 feet of forestation which will remain behind Mr. Kurzer's house. Mrs. Cook-Mackenzie reported that under the previous plan a dog park was proposed behind Mr. Kurzer's house. Mr. Kurzer was also concerned about the amount of open space within the development. Mrs. Cook-Mackenzie reported that 55 acres of Open Space are all that is required and with the changes to the MPC the total Open Space calculation is 88.22 acres.

Chuck Wolff, 18 Bayberry Drive, stated that prior to moving into the home, a swale was installed in the rear yard after the purchase. Mr. O'Laughlin and the sales manager from Ryan Homes agreed to meet the property owner onsite to discuss the swale further.

Chairman Dobbins stated, that "prior to making a recommendation to the Mayor and Commissioners I want you ensure that the current residents of Ridgely Forest are considered prior to requesting any changes in the future." Mr. Wolf and Mr. O'Laughlin concurred, however stated that they could not guarantee that there will not be any changes in the future. Ms. Combs does not agree with the 4th condition on the comment letters from Vice Mayor Kline and Commissioner Mitchell which recommend "that after this amendment is processed that no more applications be approved if the results would be a reduction in the Open Space." Ms. Combs stated that due to the possibility of unknown circumstances, there may be a need or request to utilize some of the Open Space. The Open Space calculation exceeds the minimum required amount, therefore, Ms. Combs stated she is opposed to this condition.

Ms. Duffy made a motion to recommend approval of the amendment to the previously approved Master Planned Community to Mayor and Commissioners subject to the following conditions:

1. Chris Mink, CNA comment letter dated October 25, 2019.
2. Vice Mayor Mike Kline's comment letter dated November 5, 2019
3. Commissioner Raymond Mitchell's comment letter dated November 5, 2019

Commissioner Mitchell seconded the motion. Chairman Dobbins and Ms. Duffy also approved the motion. Ms. Combs was opposed due to the conditions outlined.

Chairman Dobbins closed the public hearing at 8:18 P.M.

-NEW BUSINESS-

Ridgely Forest Concept Site Plan Clubhouse and Pool

Mr. O'Laughlin stated that they have contracted the same contractor who had designed the clubhouse and pool in 2008 for the previous developer, Clark Turner. Mr. Herbkersman, Lothorian, 13536 Jarrettsville Pike, Phoenix, Maryland presented the clubhouse, pool, splash

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pool, proposed playground and pavilion areas. There are two water features proposed, a leisure pool 3ft to 5 ft deep with dimensions of 30 feet x 60 feet and a splash pool. Mr. Herbkersman described the layout of the two story clubhouse with deck and balcony. The top floor will contain 2 bathrooms and 3 open rooms. The bottom floor will contain a room for pool equipment and bathrooms and showers for the pool area. Mr. Mathai reported that a 150 foot x 90 foot multi- purpose field is also proposed as well as 20 parking spaces. Ms. Combs inquired if there would be access from the top floor to the lower level and Mr. Herbkersman replied no. The top floor is comprised of community rooms for community purposes with a capacity of approximately 200 people and the lower level is strictly for the pool area. Mrs. Cook-Mackenzie inquired about the color of the roof and Mr. Herbkersman replied that a gray metal roof is proposed.

Mr. Wolf stated that they are not proposing kitchen facilities due to possible Health Department issues, should the kitchen area not be maintained. Mrs. Cook-Mackenzie stated that a sink, refrigerator and a counter top would be preferable and inquired if Mr. Wolf and Mr. O’Laughlin had thought about polling the residents to see what they might like to see in the Clubhouse. Mr. Wolf replied that they had not polled the residents, however they could discuss the clubhouse at the November 18, 2019 Homeowners Association Meeting. Mr. Wolff, Mr. Kurzer and Ms. Shamblin all stated that they have not been notified of a homeowner’s association meeting. Mr. Wolf stated that he would contact First Residential Services regarding the upcoming meeting and notifications to the residents.

Mrs. Vennell inquired if Mr. Mathai had addressed all of the TAC comments and Mr. Mathai replied that only half of the comments have been addressed as some of the comments will be addressed during the Preliminary/Final Site Plan. Mr. Mathai commented that they were asked to show stormwater management for this area and Mrs. Vennell reported that Preliminary Stormwater Management approval must be obtained for Section 3B Clubhouse and Pool area prior to the Preliminary Plan going before the Planning Commission.

Mrs. Vennell inquired if parking spaces were removed due to the addition of the parking island requirement and if so where were they added on the plan. Mr. Mathai reported the three parking spaces were added to the opposite side of Magnolia Drive near the dog park.

Ms. Combs made a motion to approve the Ridgely Forest Concept Site Plan for the Clubhouse and Pool subject to the following condition:

1. Letter from Chris Mink, CNA dated Oct 25, 2019
2. TAC Comments from Oct 2, 2019 related to the concept plan.

Ms. Duffy seconded the motion and the motion was approved by all.

Ridgely Forest: Open Space Plan for Phase 2

Mr. Mathai stated that a 12 foot by 14 foot wooden gazebo with an eight seat picnic bench is proposed to be installed in Ridgely Forest Phase 2 within the Open Space on Honeylocust Circle.

Mr. Wolf stated that he envisions this to be a meeting place for residents and it will be handicap accessible. In addition, a tot lot area with a bench will be installed which will be handicap accessible and ADA compliant.

Mrs. Cook-Mackenzie inquired if rubber mats were going to be installed under the end of the glide slides as this helps with puddling and mulch. Mr. Wolf was unsure. Mrs. Vennell inquired about a timeline for installation of the gazebo, tot lot and the required landscaping. Mr. Wolf replied that the site has been graded and the gazebo will be ordered tomorrow, the tot lot and landscaping are scheduled to be installed by November 30, 2019.

Mr. Wolf reported that the final paving in the Remaining Lands of Phase 2 is expected by the end of the year. Mr. Mink stated that this would also need to be added to the final as built survey. Mr. Mathai concurred.

Commissioner Mitchell made a motion to approve the Ridgely Forest Open Space Plan for Phase 2 subject to the following condition:

1. Letter from Chris Mink, CNA dated October 25, 2019.

Ms. Duffy seconded the motion and the motion was approved by all.

-MISCELLANEOUS-

Ms. Duffy inquired if there was a plan to repair the pedestrian walkway in the North East Community Park. Mrs. Cook-Mackenzie reported that the walkway is on the schedule to be repaired.

-REPORTS-

None.

-COMMENTS FROM THE PUBLIC-

None.

-NEXT MEETING-

The next Planning Commission meeting is scheduled for December 3, 2019. Ms. Combs reported that she has jury duty and will not be available for this meeting.

-ADJOURNMENT-

With no further business, Ms. Duffy made a motion to adjourn at 9:06 P.M. Commissioner Mitchell seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman

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